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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/741,564	12/18/2000	John M. Hibscher	03405.018001	6450

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EXAMINER
ENATSKY, AARON L

ART UNIT	PAPER NUMBER
3713	

DATE MAILED: 03/07/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	09/741,564	HIBSCHER ET AL. C7
	Examiner	Art Unit
	Aaron L Enatsky	3713

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *30 December 2002* .

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *14-32* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *14-32* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11)☐ The proposed drawing correction filed on _____ is: a)☐ approved b)☐ disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.

12)☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____ .

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

14)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

a) ☐ The translation of the foreign language provisional application has been received.

15)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ .
4) ☐ Interview Summary (PTO-413) Paper No(s). _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: .

DETAILED ACTION

Response to Amendment

Examiner acknowledges receipt of amendment on 12/30/02. Claims 1-13 have been canceled and claims 14-32 are pending.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 14-15, 17-18, 20-22, 24, 26, 29-30, 32 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent No. 6,102,796 to Pajitnov et al. (Hereafter, Paj) in view of US Patent No. 5,599,231 to Hibino et al. (Hereafter, Hibino). Paj teaches on-line gaming played over networks such as the Internet and the World Wide Web (2:9-13). The primary gaming method and system is directed to a puzzle game (2:34-49). The game is played by downloading configuration, control modules, and game data from a remote server (4:25-29) to a gaming terminal. The game has further interaction with the server by uploading game data and processed by the server and in turn the server will provide a score to be downloaded by the computer gaming terminal (4:64-67). Downloaded control modules include code, applets, routine, programs, components, objects to implement the network game (8:41-44). These control modules serve to define HTML and application service script modules. As the remote computer has software/game data to download, the remote computer has game storage. Paj teaches the on-line game played over the Internet, but does not teach linking a user identifier to game access or

the ability to create, edit, or play games. Hibino teaches a user's ability to create, edit, and play multiple games tied to levels of authorized user access (4:4-16); and that the game system can be configured in an on-line network configuration (4:38-40). Hibino further teaches that game information can be sent to a remote storage sever to provide further network access to other people, using this network embodiment in place of local floppy disk based storage solution (13:24-37). Lastly Hibino teaches that access to remote games is controlled by use identification (21:15-38). One would be motivated to modify Paj to include game editing and creation taught by Hibino so that one could create a game that would meet the necessary requirements of being quickly and easily solvable. Paj states that creating a balanced difficulty puzzle game is the key to keeping users interested in the game (2:1-18), therefore obvious to one of ordinary skill to give a user the ability to create and edit puzzle game, which allows a user to customize the level of difficulty involved to solve the puzzle.

Claims 16, 23, and 31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Paj in view of Hibino as applied to claims 14-15, 17-18, 20-22, 24, 26, 29-30, 32 above, and further in view of US Patent No. 6,386,543 to Luker. Paj in view of Hibino discloses the claimed limitations as discussed above, but does not provide the on-line puzzle game to be a crossword puzzle. Luker teaches the ability to create, edit, solve, and store crossword puzzles over the Internet or applying such techniques using various other media storage known in the art (3:57-4:4). One would be motivated to modify Paj in view of Hibino to use the crossword puzzle taught by Luker as word games are a very prominent form of entertainment with a numerous game player base. Furthermore, the system taught by Paj is not limiting in the type of game that can be applied in an on-line context. Therefore, it would have been obvious to one of ordinary

skill in the art at the time the invention was made to include crossword puzzles as a game choice because wide spread game acceptance ensures game popularity.

Claims 19, 25, 27-28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Paj in view of Hibino as applied to claims 14-15, 17-18, 20-22, 24, 26, 29-30, 32 above, and further in view of Applicant's admissions of prior art (Hereafter, App). Paj in view of Hibino discloses the claimed limitations as discussed above, but does not provide detail of well-known applications and uses of web-based technology. App teaches various application and uses of web-based technology that are disclosed as old and well known in the art. App teaches that initially puzzles were provided by static HTTP methods (2:16-20). Then as the technology improved, various programming languages and modules were added such as JAVA and ShockWave to provide dynamic delivery of puzzles to users over the Internet/Web (3:11-4:21). Shockwave and JAVA can be embedded modules in both the server and client side web browser applications, which can then provide dynamic content and movies. By no means do these languages and modules provide the only means to dynamic interactivity on the Internet/Web, but merely a small number of a multitude of available technologies disclosed by App. One would be motivated to combine features of Paj in view of Hibino and App as both teach Internet available puzzle games that can constructed and played by users and modifying Paj in view of Hibino to include teachings of App would serve to further define what technologies could be used for the Paj in view of Hibino system. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Paj in view of Hibino to include the various implementation technologies taught by App to increase puzzle application usability, where employing the various implementation technologies would serve to increase operating system

(OS) platform diversity as some technologies are only available on certain OS platforms. The use of the Shockwave as a module serves to define the use of a movie/multimedia module.

Response to Arguments

Applicant's arguments have been fully considered, but are not deemed persuasive. In regard to Hibino lacking claimed steps of generating a computer game via an on-line system, Examiner maintains that Hibino clearly shows game creating and modification through the network embodiment of Hibino (13:24-37). Furthermore, Applicant's arguments regarding Harnett are moot in view of the new rejection, necessitated by the amendment.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a).. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Aaron L Enatsky whose telephone number is 703-305-3525. The examiner can normally be reached on 8:00 - 4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Valencia Martin-Wallace can be reached on 703-308-4119. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9302 for regular communications and 703-872-9303 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1148.

Aaron Enatsky
March 4, 2003

V. Martin-Wallace

VALENCIA MARTIN-WALLACE
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3700